



# CITY OF MEMPHIS

## COUNCIL AGENDA

April 21, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (April 7, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS** (None)

**PUBLIC HEARINGS**

1. RESOLUTION approving a planned development generally located on the south side of Shelby Drive; +658 feet east of Riverdale Road and extending southward to Gleneagles Drive, containing 8.57 acres and is currently regulated by the approved conditions for Gleneagles Center, Villages of Bennington Planned Development (P.D. 02-332).

Morrison

Case No. PD 09-301

Applicant: NHSS, LLC (Brad Sherman)  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Amend the P.D. to permit self-storage/mini-warehouse facility to the Gleneagles Center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**73 NOTICES WERE MAILED ON APRIL 9, 2009**

2. RESOLUTION approving a special use permit located on the east side of Tulane Road; +/-98 feet south of Shayne Lane, containing 0.84 acre (37,026 sq. ft.) in the Single Family Residential (R-S6) District.

Morrison

Case No. SUP 09-202

Applicants: Tower Ventures V, LLC  
Tower Ventures V, LLC (Billy Orgel) – Representative

Request: Special use permit to allow a cell tower one-hundred sixty (160) feet in height with flush-mount antennae to be located in the rear of the church building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**43 NOTICES WERE MAILED ON APRIL 9, 2009**

**DIVISION OF PLANNING & DEVELOPMENT**

3. RESOLUTION adopting the University District Comprehensive Plan.

Morrison

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES – THIRD AND FINAL READING**

4. **ORDINANCE** to adopt the University District Overlay (UDO) as a Zoning Text Amendment, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5301  
Case No. ZTA 08-002

ACTION REQUESTED: Take whatever action Council deems advisable

**907 NOTICES WERE MAILED ON APRIL 9, 2009**

5. **ORDINANCE** to amend the text of the Zoning Ordinance, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5302  
Case No. Z08-104

Request: Amend the Official Zoning Map by adopting the proposed University District Comprehensive Rezoning and establishing the boundaries for the University District Overlay. The University Overlay includes proposed Shopfront or Urban Frontage Designation for segments of Highland, Southern, Walker, Central, Mynders, Patterson, Houston and Park

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**869 NOTICES WERE MAILED ON APRIL 9, 2009**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

6. **ORDINANCE** amending the current Pension Ordinance by establishing a return multiple for general employees with 16 to 20 years of service who elect to receive a lump sum payment upon retirement or termination. This amendment also revises the definition of a child and a spouse as defined per the ordinance and clarifies the language relative to providing healthcare for persons receiving lump sum payments, up for F I R S T reading.

Flinn

Ordinance No. 5303

ACTION REQUESTED: Adopt the ordinance on First reading

7. **ORDINANCE** to prohibit School Bus Drivers from using Mobile Telephones while transporting children, up for F I R S T reading.

Hedgepeth

Ordinance No. 5304

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to require Motor Vehicles to give three feet clearance when passing bicycles, up for F I R S T reading.

Hedgepeth

Ordinance No. 5305

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to establish a penalty for Non-Emergency 911 Calls, up for F I R S T reading.

Hedgepeth

Ordinance No. 5306

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to establish a penalty for transporting Minors in the bed of trucks, up for F I R S T reading.

Hedgepeth

Ordinance No. 5307

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to amend the Financial Responsibility Ordinance to mirror the State Financial Responsibility Law, up for F I R S T reading.

Hedgepeth

Ordinance No. 5308

ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** to prohibit the use of Off-Highway Motor Vehicles on Highways, up for F I R S T reading.

Hedgepeth

Ordinance No. 5309

ACTION REQUESTED: Adopt the ordinance on First reading

13. **ORDINANCE** to establish an Open Container Law, up for F I R S T reading.

Hedgepeth

Ordinance No. 5310

ACTION REQUESTED: Adopt the ordinance on First reading

14. **ORDINANCE** to establish a Penalty for Operating Low Speed Vehicles on City Streets, up for F I R S T reading.

Hedgepeth

Ordinance No. 5311

ACTION REQUESTED: Adopt the ordinance on First reading

**GENERAL ORDINANCE - SECOND READING** (None)

**ZONING ORDINANCES - FIRST READING** (None)

**ZONING ORDINANCES - SECOND READING** (None)

**ENGINEERING**

15. RESOLUTION approving final plat of R.N. Wallace et. al. C-P, Ph. 1 revised.

Case No. Z 00-009

Resolution approves the final located at the southeast corner of Frayser Blvd. and Range Line Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION approving final plat of THE GALLERIA OF MEMPHIS PD, AMENDED, PH. 13 (ROAD DEDICATION ONLY).

Case No. PD 04-312

Contract No. CR-5137

Resolution approves the final plat located at the terminus of Market Plaza Drive, west of Germantown Parkway. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD** (None)



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## MLGW FISCAL CONSENT

17. RESOLUTION awarding Contract No. 11290, Right-of-Way Mowing, to Rotolo Consultants, Inc. in the funded amount of \$236,016.00
18. RESOLUTION awarding Contract No. 11304, Insulation and Jacketing Repairs, to Insulation and Refractories Services, Inc., in the funded amount of \$34,500.00
19. RESOLUTION approving Change No. 6 to Contract No. 9955, Partial Funding of Pollution Control/Ground Water Quality Control Program, with Memphis & Shelby County Health Department, in the funded amount of \$141,017.80. (This change renews the contract for 2009).
20. RESOLUTION approving Change No. 8 to Contract No. 10979, Network Maintenance, with Venture Technologies in the funded amount of \$511,407.25. (This change extends the current contract to include an additional one-year term, July 1, 2009 to June 30, 2010, to allow time to re-bid the contract).
21. RESOLUTION approving Change No. 2 to Contract No. 11190, Mowing/Grounds Maintenance Well Lots, with Bean & Prince Contractors, Inc., in the funded amount of \$61,228.44. (This change renews the contract for the second of four renewal terms, May 17, 2009 to May 16, 2010, and includes a 2.7% increase to remain in compliance with the mandate of the City of Memphis Living Wage Ordinance).
22. RESOLUTION approving Change No. 1 to Contract No. 11258, Grounds Maintenance, with Bean & Prince Contractors, Inc., in the funded amount of \$617,752.45. (This change renews the contract for the first of four renewal terms, May 16, 2009 to May 15, 2010, and includes a 2.7% increase to remain in compliance with the mandate of the City of Memphis Living Wage Ordinance).
23. RESOLUTION awarding contract for the purchase and installation of six fuel dispensers at the North Service Center to The Southern Company, in the amount of \$43,677.00.



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## REGULAR AGENDA

### GENERAL ORDINANCE – THIRD AND FINAL READING

24. **ORDINANCE** to amend Chapter 5 of the Code of Ordinances so as to Prohibit the Roadside Sale of Animals, up for T H I R D and F I N A L reading.

Brown

Ordinance No. 5300

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

### **FINANCE & ADMINISTRATION**

25. RESOLUTION authorizing and providing for the issuance, sale, and delivery of not to exceed \$85,000,000.00 principal amount of City of Memphis, Tennessee, General improvement Bond Series 2009A for the purpose of refunding outstanding Commercial Paper.

Halbert

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION authorizing and providing for the issuance, sale, and delivery of not to exceed \$150,000,000.00 principal amount of City of Memphis Bond anticipation notes for the purpose of financing various Public Works projects of the City.

Halbert

ACTION REQUESTED: Adopt the resolution

### **DIVISION OF FIRE SERVICES**

27. RESOLUTION accepting and appropriating \$1,108,400.00 in Federal Grant funds from Department of Homeland Security for the Division of Fire Services for a total appropriation of \$1,108,400.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

28. RESOLUTION approving the FY2010 Consolidated Plan and accepting and appropriating 2009 Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons With AIDS (HOPWA) program funds from the U.S. Department of Housing and Urban Development (HUD) to the FY2010 budget for the Division of Housing and Community Development.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION**

29. RESOLUTION approving sale of property to the State of Tennessee, located on the southwest corner of Millington-Arlington Road and Donnell Road, for the sum of \$1,450.00.

Ware

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving Contract of Sale for the purchase of property from Westco Development #12, LLC, located on the northwest corner of Shelby Drive and Mendenhall Road, for a proposed substation for the sum of \$650,000.00.

Ware

ACTION REQUESTED: Adopt the resolution

**PARK SERVICES**

31. RESOLUTION appropriating \$750,000.00 in GAO1006 “Confederate Park – Law School Public Access” in Contract Construction, funded by G.O. Bonds General, for payment to the Riverfront Development Corporation for construction of the project.

Strickland

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to present schematic design for Raleigh Bartlett Meadows Park Improvements, CIP Number PK04005, for continuation of the project and be approved to complete plans and specifications for bidding purposes.

Strickland

ACTION REQUESTED: Adopt the resolution



**DIVISION OF POLICE SERVICES**

33. RESOLUTION to accept grant funds from the University of Memphis for FY 2008 Byrne Congressional Mandated Award – Operation Safe Community (OSC): Coordinator Law Enforcement Initiatives in the amount of \$730,857.00. Resolution also amends FY 2009 Operating Budget to establish and appropriate \$730,857.00 in grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION to accept grant funds in the amount of \$1,148,400.00 from the State of Tennessee for the In-Service Training Program for training for 1,914 commissioned officers. Resolution also amends FY2009 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES**

35. RESOLUTION to receive and appropriate \$35,500.00 from the State of Tennessee Bureau of Health Services to be used for rape prevention and crisis services.

Brown

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

36. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$4,159,100.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 to South Plant Expansion Project, project number SW02033, to replace the cover at South Plant Lagoon.

Brown

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

37. RESOLUTION establishing a Civilian Law Enforcement Review Board special committee.

Conrad

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Approved
2. Approved, as amended
3. Through 5 – Held to May 5, 2009
6. Through 23 – Approved
24. Approved, as amended
25. Through 36 – Approved
37. Dropped

**ACTION TAKEN ON THE MINUTES OF APRIL 7, 2009**

Approved

**ACTION TAKEN ON THE MINUTES OF APRIL 21, 2009 FOR ITEM #32 ONLY**

Approved